

Catawba County Water Extension Ordinance

Dated: October 30, 2001

WATER EXTENSION ORDINANCE CATAWBA COUNTY, NORTH CAROLINA

504.01 Legislative Authority

This Chapter is enacted pursuant to N.C.G.S. 153A-121 through 124 and 153A-284.

504.02 Purpose and Applicability

The objective of the Catawba County Water Extension Ordinance is to set regulations for the extension of water service in unincorporated areas of Catawba County and applies to all County owned revenue sharing and revolving loan program lines located outside municipal limits. Catawba County will extend water infrastructure according to the following terms and conditions.

504.03 Definitions

Agricultural/Horticultural Well. A system for providing potable well water; groundwater, for the purposes of agriculture and residential, commercial, or industrial lawn care.

Availability Charge. A municipal fee for water infrastructure maintenance.

Capital fee. A one-time fee collected by Catawba County for connection to the water system.

Customer charge. A fee for servicing customer accounts.

Eligible refund. That portion of the project cost qualified for reimbursement to the petitioner in accordance with the provisions of this policy.

Engineering Fee. Fees for engineering review and project observation for residential and commercial subdivision and development set in accordance with a schedule adopted by the County Commissioners.

Extension. Any water line segment which is necessary to connect water service to an existing water line.

Extension Permit. Permit issued by Catawba County and, where applicable, a Municipality, to allow and regulate the extension of water infrastructure.

Geothermal Well. A well used to provide water to a system which employs groundwater for the sole purpose of cooling and heating a structure.

Immediate family members. Direct lineal family members including children, grandchildren, great grandchildren, father, mother, grandmother, grandfather and respective spouses.

Major Subdivision. As defined in the Catawba County Subdivision Ordinance.

Minor Subdivision. As defined in the Catawba County Subdivision Ordinance.

Non-residential. Commercial, industrial, institutional, or agricultural land use.

Petitioner – Person or company applying for a waterline extension or well permit.

Potable Well. Groundwater which does not contain foreign materials exceeding the groundwater quality standards specified in the North Carolina Administrative Code.

Private Well Water Supply. Any water supply furnishing potable water to no more than two (2) residences or one (1) in-home business. In the case of immediate family members, three (3) connections may be permitted as a private well water supply.

Public Well System. A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or regularly serves 25 or more individuals. The term includes (1) any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and (2) any collection of pre-treatment storage facility not under the control of the operator of the system which is used primarily in connection with such system.

Revenue Sharing Line. A water line owned and constructed by the County in agreement with a Municipality as specified in Catawba County Code Section 504.10-15.

Revolving Loan Line. A water line outside any incorporated areas, constructed through the County program, offering low interest loans to fund extensions of utility services within Catawba County as specified in Catawba County Code Section 504.25-31.

Semi-Public Well System. A water supply that provides water for the purpose of human consumption for three to fourteen (3-14) service connections and less than 25 people that does not meet the definitions for a public water system.

User Fee. A municipal fee for water consumption that incorporates infrastructure maintenance and the cost to produce potable water.

Volume charge. A municipal fee for water consumption.

Water improvements. Any improvement made to existing water infrastructure.

Water infrastructure. Any plant, storage facility, line, meter or related materials and equipment for the delivery of safe drinking water to consumers.

Water line. A pipe which transmits water to users and connects to individual water meters.

Water main. Any water line serving an area, sized and located so that additional service connections, beyond the limits of any associated development, can be made without lowering the level of service.

Water tap fee. A municipal fee for connecting water service to a water main or water line.

504.04 Water Extension

A. Requirements for Water Connection

- 1) Existing property owners with a residential dwelling, and existing non-residential property owners with a business establishment, will not be required to connect to water infrastructures provided: (1) they are connected to a properly functioning public or semi-public potable well infrastructure; (2) they are connected to a private well water supply; or (3) they qualify for a permit from the County Environmental Health Department to construct an approved replacement well. Those not meeting these conditions will be required to connect to water infrastructure, where available, within thirty (30) days after notice from the County Environmental Health Department. Availability will be determined based on Table One for residential, or Table Two for non-residential.
- 2) All new residential development, including major and minor subdivisions, will connect to water infrastructure where available. All major and minor subdivisions will connect prior to final plat approval, however, pursuant to and as provided by the Subdivision Ordinance, a performance guarantee may be posted in lieu of completion of all or part of required improvements prior to final plat approval. Where no such performance bond is posted, all connections must be made before a permit will be issued. All connections will be made at no expense to the County. Availability will be determined based on Table One.

Table One

Number of proposed dwelling units	Distance from nearest property line as determined by the County Engineer
1 Dwelling unit	Abutting the property and/or right-of-way
2-9 Dwelling units	250 Feet
10-25 Dwelling units	1,000 Feet
26-50 Dwelling units	2,000 Feet
51-75 Dwelling units	3,000 Feet
76-100 Dwelling units	4,000 Feet
101-200 Dwelling units	5,280 Ft. (1 mile)
201-300 Dwelling units	15,840 Ft. (3 miles)
301+Dwelling units	Must extend water infrastructure

- 3) All new non-residential development will connect to water infrastructure where available. Availability will be determined based on Table Two. Daily flow for non-residential development will be determined based on NCDENR, Laws and Rules for Sewage Treatment, and Disposal Systems, Section 15A NCAC 18A .1900 (the requirements of the NCDENR Laws and Rules for Sewage Treatment, and Disposal Systems may be obtained from the Catawba County Environmental Health Department). Daily flow for establishments not identified will be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data. All connections will be made at no expense to the County.

Table Two

Average water consumption based on NC DENR Administrative Code Section 15A NCAC 18A.1900	Distance from nearest property line as determined by the County Engineer
130-259 gal/day	200 Feet
260-1,299 gal/day	500 Feet
1,300-3,379 gal/day	2,000 Feet
3,380-6,629 gal/day	3,000 Feet
6,630-9,999 gal/day	4,000 Feet
10,000+ gal/day	Must extend water infrastructure

- 4) Where feasible, one meter will be required per each customer or water user.

B. Connection to County Owned Water Infrastructure

If connection to County owned water infrastructure is required under Section One, the following guidelines apply.

1) **County Fees for Connection**

All fees shall be paid to and collected by the appropriate entity prior to connection.

- a) *Capital Fees* will be collected from those users who connect to County owned infrastructure. A building permit for new construction will not be issued until all Capital Fees are paid. In all other situations the Capital Fee must be paid before connection occurs. Fees will be set in accordance with a schedule adopted by the County Commissioners.
- b) *Engineering Fees.* The County, along with the applicable Municipality, will review residential and commercial subdivision and development construction plans and specifications and perform intermittent observations during initial construction, testing, and final construction phases of utility service. Neither the County's nor the Municipality's observation relieves the petitioner from any responsibilities listed in this policy. Fees for engineering review and project observation will be set in accordance with a schedule adopted by the County Commissioners.

2) **Municipal Fees for Connection**

Municipal Fees are those fees charged by the Municipality for connecting services, including the installation of water meter, to cover costs for maintaining a water system to serve the demands of the customers and to cover the cost of water produced or purchased, to be consumed by users. Fees will be in accordance with a schedule adopted by the Municipality but shall not exceed 200% of the fees charged to customers located within the corporate limits of the Municipality for similar services.

3) **Extension of County Owned Water Infrastructure**

Catawba County retains complete discretion in deciding which of the following options is most appropriate.

- a) By written request, submitted to the County Utilities and Engineering Department and the applicable municipality, any property developer, owner, or group of property owners may petition the County for an extension of water service at the expense of the developer, owner, or group of property owners, under the conditions set forth in this ordinance.
- b) The Catawba County Board of Commissioners may authorize the extension of water infrastructure upon its own initiative.

4) **Options in Considering Petitions for County Owned Water Line Extension**

- a) The County may require the petitioner, at the sole expense of the petitioner, to install the extension to meet all County requirements, and to dedicate the improvements to the County, with eligibility for reimbursement of all or some portion of the cost for that portion of the extension, contingent on the County's collection of capital fees from property owners who connect to that portion of the infrastructure. Reimbursement will not apply to extensions within, or adjacent to, the petitioner's property. The County may reimburse the petitioner for each capital fee collected for connection to the petitioner financed water infrastructure at the rate of 50% of each capital fee. However, the period of reimbursement will not exceed three (3) years from the date the improvements are dedicated to the County. Reimbursement shall never exceed the petitioner's costs for the extension. The petitioner will be reimbursed only for single service connections along the petitioner financed line. The petitioner may not be reimbursed capital fees paid for connections within petitioner's property or for extensions off the petitioner financed line.
- b) If the petitioner's request falls within the first three years of the Water Master Plan, the County may jointly finance and construct the extensions in cooperation with the petitioner initiating the request with eligibility for reimbursement of all or some

portion of the cost for such extension, contingent on the County's collection of capital fees from property owners who connect to that portion of the infrastructure. Reimbursement will not apply to extensions within, or adjacent to, the petitioner's property. The County may reimburse the petitioner for each capital fee collected for connection to the petitioner financed water infrastructure at the rate of 50% of each capital fee. However, the period of reimbursement will not exceed three (3) years from the date the improvements are dedicated to the County. Reimbursement shall never exceed the petitioner's costs for the extension. The petitioner will be reimbursed only for single service connections along the petitioner financed line. The petitioner may not be reimbursed capital fees paid for connections within their property or for extensions off the petitioner financed line.

- c) The County may deny the requested water infrastructure extension.

5) Water Application Requirements

All petitioners desiring to construct water improvements and to connect to the water infrastructure of the County will make application in writing to the County and the applicable Municipality. The application must specify the following:

- a) The name, address and telephone number of the petitioner(s);
- b) The location of the property (including PIN numbers and street name if known) and geographic alignment for which the connection is desired;
- c) The total number of residential units, commercial establishments or industrial water infrastructure to be served at completed build out, with a description (including square footage, and type of business) of each;
- d) The size of the water services and water infrastructure proposed;
- e) The schedule by which the petitioner plans to construct and/or install the extension(s);
- f) The method by which the petitioner will pay for the infrastructure including evidence of all necessary permits, easements, rights-of-way, encroachments or other approvals;
- g) The estimated cost of the proposed improvements;
- h) The estimated water use in gallons per day and peak gallons per hour;
- i) If commercial, industrial or institutional development, the number of new jobs to be created by the proposed improvements;

- j) The identity and qualifications of the engineers and contractors the petitioner proposes to employ to perform the necessary construction and installation.

6) Supplemental Information Required with a Water Application

- a) The application must be accompanied by a plat and plans showing the proposed extensions in relation to all properties to be bypassed or served.
- b) The petitioner must employ, at its expense, a licensed engineer, registered in the State of North Carolina, to prepare plans for the proposed water extensions or improvements. The County will provide any standard specifications which are available and/or necessary to prepare the construction documents.
- c) Three (3) sets of completed plans and specifications, with the engineer's seal affixed, must be submitted to the County for review and approval prior to submittal to any other agency. Approval of plans and specifications by the County does not release the petitioner from obtaining any and all approvals and permits necessary for the construction of water infrastructure.

7) Responsibilities After Project Receives Preliminary and Final Approval

- a) Following County preliminary approval, the petitioner must submit related construction documents to the appropriate State agencies for their approval. The petitioner must submit written documentation of the required State approvals prior to the commencement of construction.
- b) Prior to construction, the petitioner must present evidence that it has obtained any and all necessary governmental approvals of the project plans and construction documents.
- c) If the project is approved, the County and the Municipality will issue an extension permit. The petitioner will have two (2) years from the issuance of this permit to complete the project. Should the project not be completed within this time period, the petitioner may apply for an extension of the permit for up to two years. The extension application must be in writing and be submitted, not less than ten (10) days prior to the date of expiration of the permit. Applications for extensions may be approved by the County Engineer if he/she determines the project is substantially progressing toward completion. The cumulative time period for project completion shall not exceed a total period of six (6) years from the date of permit issuance.
- d) The petitioner must agree to indemnify and hold harmless the County and the Municipality from any and all loss, cost, damages, expense and liability (including attorney's fees) caused by accident or occurrence causing bodily injury or property damage arising from the installation of such water infrastructure by the petitioner or

by other parties retained or employed by the petitioner.

8) Construction Standards

All water extensions must be designed and constructed in conformance with State of North Carolina's requirements and be approved by both the County's Engineer and the Municipality's engineer, or their Consulting Engineer when applicable. The petitioner's engineer, with approval from the County's Engineer and the Municipality's engineer, must verify that adequate water pressure or hydraulic conditions exist, or can be attained, and that the projected extension would not unduly tax the Municipality's available water supply before any water infrastructure may be extended. The following standards must be observed in addition to those referenced at the beginning of this section.

- a) The engineering design must be in a digital format approved by the County Utilities and Engineering Department.
- b) The minimum distance for any extension of a water main will be determined by the County. In general, the minimum distance will be across the entire length or width of all properties being developed in order to provide access to adjoining parcels of land, wherever feasible.
- c) The minimum size water line will be six (6) inches for residential areas, unless otherwise specified by the County. The minimum water line size for all non-residential areas will be eight (8) inches unless otherwise specified by the County.
- d) The County, along with the Municipality, will inspect the water infrastructure and appurtenances during and after construction. The water infrastructure must be built in accordance with the approved plans and specifications before they are placed in service. If any part of the infrastructure fails an inspection, no further building permits will be issued, and no approvals related to the project will be granted, until corrections are made to the County's satisfaction.
- e) Lines will be located within already dedicated public rights-of-way or easements must be provided. When required, the petitioner and/or present and future property owners must grant to the County such utility easements as the County may require. Petitioner will be responsible for obtaining any necessary easements from property owners. Petitioners may do so by entering into a contract with County to obtain required easements at no cost to the County, with the County's approval. The permanent rights-of-way or easements must be a minimum of twenty-five (25) feet in width in all cases. The County may require wider easements on major trunk lines. Combined temporary construction and permanent easements must be a minimum of forty (40) feet in width. Within these boundaries the County, or its representatives, will have the right to operate, maintain, inspect, repair and replace such water infrastructure.

- f) Upon completion of the final inspection of the project, the petitioner will provide as-built drawings certified by registered engineer, a digital copy of as-built drawings in a format approved by the County Utilities and Engineering Department, and technical literature for any equipment deeded to the County. Operation and maintenance manuals will be required for any and all mechanical devices required for the operation of the infrastructure. All warranties and guarantees for such equipment must be transferred or assigned to the County.
- g) All facility extensions, installed under the provisions of this document, will become the sole property of the County and be under its jurisdiction and control for any and all purposes, as soon as such water infrastructure are connected to the County infrastructure.
- h) If a proposed extension will connect to an existing line, which in the opinion of the County Utilities and Engineering Department will then require rehabilitation or replacement with larger diameter pipe to provide adequate capacity, the petitioner may be responsible for all or part of the rehabilitation or replacement costs, as determined by the County Utilities and Engineering Department.

The County may elect to increase the size of certain lines or water infrastructure which are constructed by the petitioner. In such instances, the County will be responsible for the difference in the cost of the larger line(s) or water infrastructure. However, if the County determines that water lines larger in size than the required minimums are necessary to serve the petitioner's property alone, the petitioner must install the larger lines at the petitioner's sole expense. In the event of multiple petitioners, each petitioner will share in the costs of the extension based on percentage of capacity required as determined by the number of dwelling units in all phases of each project.

9. Financial Expectations When Extending County Owned Water Infrastructure

- a) The complete cost of water infrastructure required within private developments, including all connections, taps, fire hydrants, loops necessary for fire protection and service to all lots within the property, or other water infrastructure or equipment required in connection to the County's water infrastructure, will be paid by the petitioner. Petitioners requesting service will pay all appropriate fees in accordance with this policy.
- b) Petitioners will be required to pay the cost of necessary extensions from existing County water infrastructure.
- c) Installation of water extensions will be accomplished by the petitioner through employment of private licensed contractors acceptable to, and approved by, the County and the Municipality except where, at the discretion of the County, the scope and scheduling of the work indicate that the proposed extension should be made by the County. In this event, the developer will advance to the County the

full estimated cost of construction, including administrative costs, prior to commencement of any work. Prior to receipt of such funds, a written contract must be entered into between the County and the developer, which will govern the use of such funds. If the developer so chooses, one third of the full estimated cost of construction can be made after a written contract has been signed by the developer and the County, with the balance due within 90 days, provided a performance bond has been secured by the developer and submitted to the County. Following completion of the work by the County, any funds advanced in excess of the final costs will be refunded to the petitioner.

- d) The County may, at its sole discretion, agree to reimburse the petitioner's costs of extensions outside private development, in whole or in part. Those petitioners who finance extensions of water infrastructure, with eligibility for reimbursement of costs conferred, must enter into an agreement with the County to construct the extensions in accordance with County and Municipality specifications and to dedicate the water infrastructure to the County without reservation, in accordance with the policies established within this policy. The agreement must be signed prior to the commencement of any construction.
- e) The County may elect, at its sole discretion, to participate in funding water extensions under any of the following conditions:
 - i) Availability of funds. Approval of any extension(s) involving financial participation by the Board will always be based on the Board's determination that funds are available for such extension(s).
 - ii) Priority economic development projects. The Board may elect to provide timely water service for significant economic development projects.
 - iii) Endangerment of public health. The Board may determine that significant public health risks can be eliminated or avoided by participating in extensions.
 - iv) Planned utility improvements. The Board may determine that certain improvements are strategic to the development of the County's water program and finance these improvements as necessary.

Even if one, or more, of the above conditions exist, the Board of Commissioners is not obligated in any way to participate in funding a water project.

10) Post Construction Requirements

Prior to receipt of water service the following requirements must be met.

- a) Upon completion of construction, the project engineer must submit, to the County Utilities and Engineering Department, certification that the project was completed in accordance with the previously approved plans and specifications.
- b) The petitioner must warranty the water infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one (1) calendar year from the date of acceptance by the County. The date of acceptance will be the date upon which the County records evidence transferring ownership to the County.
- c) During the year of warranty, the petitioner will correct, or have corrected, any defects that may develop in material, equipment, or workmanship. In the event that the petitioner neglects to correct defects to the County's satisfaction, the County will have the right to declare all or any of the rights of the petitioner under the contract forfeited, and to remove and/or disconnect any connections that might have been made to the County's water infrastructure, or the County may elect to make the necessary repairs and seek a lien on the petitioner's property, both real and personal.
- d) As-built drawings must be provided to the County, in a format approved by the County Utilities and Engineering Department, prior to conveyance of the improvements to the County by the petitioner.
- e). Upon completion of the water infrastructure, and connection to the County's water infrastructure, the water lines, fire hydrants, valves or other water infrastructure or equipment required to connect to the County's water infrastructure, will become the exclusive property of the County and under the sole and exclusive control of the County, to be operated and maintained by the Municipality.

11) Permitting for Groundwater Wells

- a) Agricultural, horticultural, and geothermal wells shall be allowed. Petitioner must obtain a permit from Catawba County Environmental Health Department and, where applicable, obtain a permit from Catawba County Building Inspections Department. Inspections shall be made prior to the issuance of certificate of occupancy or electrical service approval.
- b) Residential property owners with an existing dwelling located on the same property are allowed to install a replacement well where feasible. A permit is required from the Catawba County Environmental Health Department.
- c) Unless the well is included in Section Three, Number One above, there will be no new well permits issued for existing non-residential property owners if water service is available as determined in Section Two, Table One.

12) Penalty for Violation

A person or entity who is found in violation of this ordinance shall be subject to a civil penalty of not more than \$50.00 per day. Each day's violation shall be treated as a separate offense.

13) Revenue Sharing Lines

The County owns revenue sharing lines. Revenues from capital fees shall be the sole property of Catawba County. The distribution and rate of customer charges, availability charges, and volume charges shall be determined by contract between the County and the Municipality not in conflict with this ordinance as specified in Catawba County Code Section 504.10-15.

14) Revolving Loan Lines

Revenues from capital fees shall be the sole property of Catawba County. The distribution and rate of customer charges, availability charges, and volume charges shall be determined by contract between the County and the Municipality not in conflict with this ordinance as specified in Catawba County Code Section 504.25-31.

Water

Capital Fee Schedule for Residential Water Meters

Connection Size	Capital Fee per Meter
Residential	\$1,000

Capital Fee Schedule for Commercial and Industrial Water Meters

Connection Size	Capital Fee per Meter
¾" connection/tap	\$1,000
1" connection/tap	\$1,500
1 ½ " connection/tap	\$2,000
2" connection/tap	\$3,000
3" connection/tap	\$4,500
4" connection/tap	\$6,000
6" connection/tap	\$9,000
8" connection/tap	\$15,000
10" connection/tap	\$25,000
12" connection/tap	\$40,000

Prior to and at the time of utility construction, the County may offer a one-time discount of fifty percent of the capital fee.

Other Fee Charges Water

Residential and Commercial Subdivision and Development Engineering Fee	<p>\$250 per 100 lots or units or any part thereof.</p> <p>0 - 100 lots or units \$250.</p> <p>101 – 200 lots or units \$500.</p> <p>201 – 300 lots or units \$750.</p>
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Engineering Fee will continue at a rate of \$250 per 100 lots or units.